

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8308 of 1992

With

CIVIL APPLICATION No. 3381 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5: No

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G S R T C

Versus

GORDHAN PITAMBER MAKWANA

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Appearance:

MR SN SHELAT for Petitioner

MR HK RATHOD for Respondent No. 1

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CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 07/04/98

ORAL JUDGEMENT

1. The petitioner-Gujarat State Road Transport Corporation is aggrieved by the judgment and award of reinstatement of a conductor who was found guilty of collecting fare and not issuing tickets.

2. In this petition, which is admitted in 1992, there

was no order of interim relief and, therefore, the workman has been reinstated. Now, after lapse of six years, it would not be proper and equitable to disturb the reinstatement. In cases of collection of fare and not issuing tickets, reinstatement cannot be said to be fully justified. However, in the facts and circumstances of the case, there should have been appropriate punishment. The Labour Court has imposed punishment of merely stoppage of one increment with cumulative effect without backwages. This is required to be increased and, therefore, the said punishment is ordered to be substituted by stoppage of two increments with cumulative effect.

3. The petition is accordingly partly allowed and rule is made absolute by directing that the punishment of stoppage of two increments with cumulative effect be substituted in place of punishment already awarded. The wages of the workman shall be worked out from the date of reinstatement and by giving effect to stoppage of two increments with cumulative effect, whatever is payable to the workman shall be paid to him within three months from the date of receipt of writ of this Court.

No orders on Civil Application.

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mhs/-